

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KEITH BURY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65590

FILED

SEP 17 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Appellant filed his petition on November 4, 2013, more than one year after he voluntarily withdrew his direct appeal from this court.² *See Bury v. State*, Docket No. 60032 (Order Dismissing Appeal, February 27, 2012). Appellant's petition was therefore untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See NRS 34.726(1)*.

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²An order for revocation of probation and amended judgment of conviction was filed on January 24, 2013, but none of the claims raised in appellant's petition were relevant thereto. *See Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004).

Appellant did not attempt to demonstrate good cause to excuse his delay. We therefore conclude that the district court did not err in denying his petition as procedurally time barred, and we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Stefany Miley, District Judge
Brian Keith Bury
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk